HOUSE OF COMMONS
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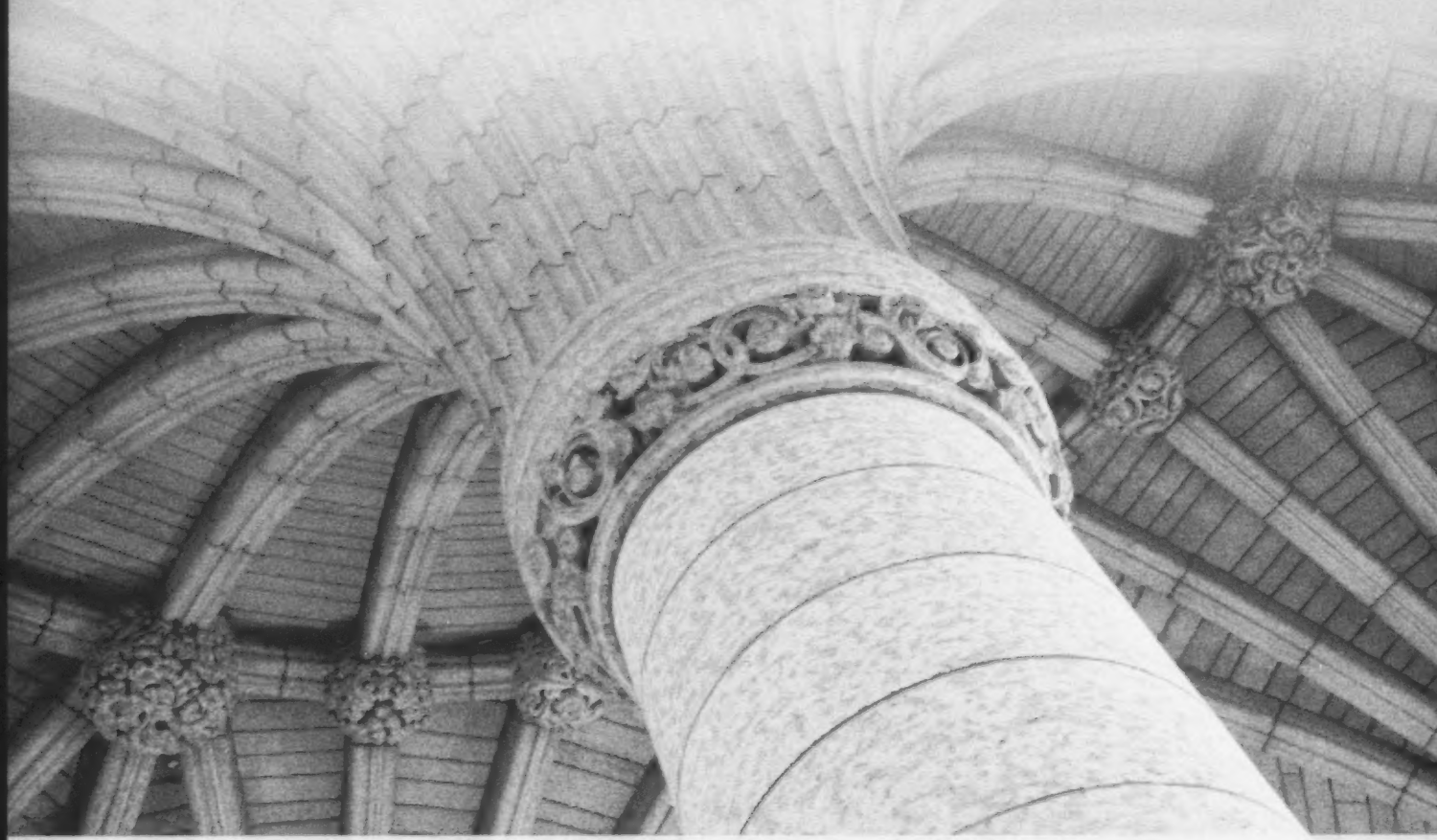
CANADA

TOWARD A REAL COMMITMENT TO THE VITALITY OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

Report of the Standing Committee on Official Languages

The Honourable Denis Paradis, Chair



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Hon. Denis Paradis
Chair

JUNE 2018

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NOTICE TO READER

Reports from committee presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON OFFICIAL LANGUAGES

has the honour to present its

TWELFTH REPORT

Pursuant to its mandate under Standing Order 108(3)(*f*), the Committee has reviewed the status of official languages in minority settings across Canada and has agreed to report the following:

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TOWARD A REAL COMMITMENT TO THE VITALITY OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

INTRODUCTION

In addition to promoting linguistic duality and protecting Canadians' language rights, ensuring official language minority community (OLMC) vitality is a key concern of the House of Commons Standing Committee on Official Languages.

This study was launched in 2016 in order to identify the issues and challenges facing OLMCs. It had two components:

- In the spring of 2016, the Committee held meetings in Ottawa with the Fédération des communautés francophones et acadienne du Canada (FCFA) and the Quebec Community Groups Network (QCGN), both OLMC representative organizations, and Mr. Graham Fraser, then-Commissioner of Official Languages of Canada.
- In the fall of 2017, the Committee visited two OLMCs located far from the major urban centres: the anglophone community of Brome-Missisquoi in Quebec and the francophone community of Petit-de-Grat on Isle Madame in Nova Scotia.

The Committee also reviewed its extensive collection of testimony – heard since the start of the 1st Session of the 42nd Parliament – and its previous reports (see Appendix A).

Principal Finding

The evidence gathered during the Committee's visits to communities shows that the situation in OLMCs has changed little in recent years. The issues and challenges remain the same. Why has the development of OLMCs stagnated?

Report Structure

In the first part of the report, the Committee will focus on the anglophone communities in the county of Brome-Missisquoi and the francophone community of Petit-de-Grat in Nova Scotia, their histories, the challenges they face and the progress they have made. In the second part, the Committee will review the inherent problems with the Government of

Canada's Official Languages Program that are holding back OLMCs. It will then propose solutions to these problems.

PART 1: PORTRAITS OF TWO OFFICIAL LANGUAGE MINORITY COMMUNITIES

1. Quebec's anglophones

The current portrait of Quebec's anglophones bears little resemblance to the one of 40 years ago. The socio-political changes that swept Quebec society, particularly in the 1970s, also had a profound impact on the province's anglophone communities.

1.1. The past century's upheavals

In 1977, Quebec adopted the *Charter of the French Language* to establish a linguistic framework making French the province's only official language. Many stakeholders view the enactment of official unilingualism and the coming to power of sovereignist parties as among the most consequential events in history for Quebec's anglophone communities. According to some of the witnesses, the past century's socio-political transformations did not enhance the vitality of Quebec's anglophone communities. As Professor Richard Bourhis has explained, the latter decades of the 20th century marked "the decline of this historical national minority."[1]

1.2. Are Quebec's anglophones vulnerable?

One measure of the decline of Quebec's anglophone communities is the size of their population. The above-mentioned socio-political changes sparked among other things an exodus of anglophones. Moreover, this trend never ended. An estimated 500,000 native English speakers left Quebec between 1971 and 2011.[2]

Generally speaking, the provincial government decides whether to provide services in English based on a community's population. Representatives of the Townshippers' Association, an anglophone community organization from the Eastern Townships, explained that when English speakers leave service levels decline. Reducing or eliminating services undeniably affects individuals' quality of life and, in turn, community development.

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1 Richard Y. Bourhis, Ed., *Decline and Prospects of the English-Speaking Communities of Quebec*, 2012, p. 22.

2 André Dubuc and Hugo de Grandpré, "Anglo-Québécois en exil: L'appel du Québec natal," *La Presse*. [Available in French only]

Furthermore, the out-migration of anglophones created a socio-economic imbalance in anglophone communities, particularly those located far from major urban centres. Mr. William Floch and Ms. Joanne Pocock profiled the anglophones who stayed in Quebec and those who moved to other provinces. Their analysis revealed the following:

> The socio-economic profile of Anglophone leavers and stayers suggests that the upwardly mobile are increasingly associated with the outwardly mobile as young, well-educated members of the Quebec Anglophone minority seek economic opportunities elsewhere. Those who left the province tend to perform very well in the labour market outside Quebec, showing substantially lower unemployment rates than other Canadians and higher tendencies to be in the high income bracket. In contrast, Anglophones who stayed in Quebec experienced a relative loss in socio-economic status and cohort analysis suggests that such decline will continue in the near future. It is also the case that the arrival of English-speaking populations from other provinces and other countries has slowed considerably from 1971 and especially up to 2001. Needless to say, these trends present challenges for the English-speaking communities of Quebec, as higher proportions of Anglophones fall into vulnerable or dependent situations while their demographic and institutional vitality is declining in the province.[3]

In short, anglophone communities have been deprived of their "middle-generation,"[4] that is, the individuals "whose profession, education, and income" make them suited to forming a middle class.[5] This is the group many believe could ensure the vitality and viability of these communities. In contrast, the community members "who remain and are aged 15 to 44 are often socio-economically vulnerable, with high levels of unemployment and low levels of income, even for those who obtain a high degree of education."[6]

In September 2016, the Eastern Townships Public Health Director released a report showing that the region's anglophone communities have significantly worse health and well-being outcomes than the majority. The study's findings included the following:

> There are proportionally fewer anglophone than francophone adults aged 18 to 39 (21% compared with 27%), and the anglophones are less educated and have lower incomes than the francophones.

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3 William Floch and Joanne Pocock, "The Socio-Economic Status of English-Speaking Quebec: Those Who Left and Those Who Stayed," in Richard Y. Bourhis, Ed. *Decline and Prospects of the English-Speaking Communities of Quebec*, 2012, p. 169.

4 Townshippers' Association, Brief. *Review of the Status of Official Languages in Minority Settings*, 24 October 2017, p. 3.

5 Ibid.

6 Ibid.

> The proportion of kindergarten children who are developmentally at risk in one or more areas is twice as large among anglophones as among francophones (46% compared with 25%).
>
> Children who attend English schools are more likely than those who attend French schools to have one or more dental caries, both in kindergarten (33% compared with 25%) and second grade (63% compared with 56%).
>
> Students who attend English secondary schools have poorer eating habits than those who attend French schools. For example, one-third of anglophone students report consuming sweetened beverages, salty snacks or sweets on a daily basis, compared with 24% of francophone students.
>
> Nearly 6 in 10 students who attend English secondary schools report being victims of violence (at school or on the way to school) or cyberbullying. This figure is 35% among students who attend French secondary schools.
>
> The proportion of adults with a family doctor is similar among both anglophones and francophones, but the former report a number of barriers to using health services, including health professionals who do not know English, a lack of English-language documentation and a lack of services in rural areas.[7] [Translation]

The vicious circle that has been fueling the decline of Quebec's rural anglophone communities for the past 40 years works as follows: anglophones emigrate, shrinking the population of their communities and weakening their institutional and community networks. The anglophone population remaining in the province shows signs of socio-economic vulnerability, but as the need for services in English increases, the provincial government delivers fewer of these services, as it determines service levels based on population. Meanwhile, community organizations are exhausted, because they lack the human and financial resources to carry out their mandates.

Quebec's English school boards are important partners in the fight to stop the decline of anglophone communities. The Eastern Townships School Board manages 20 primary schools, 3 secondary schools, 1 alternative secondary school, 2 adult education centres and 2 vocational training centres. The board faces tremendous challenges: 7 of the 20 primary schools and 1 of the 3 secondary schools were designated as schools that could benefit from the Quebec Department of Education and Higher Education's New Approaches, New Solutions (NANS) intervention strategy for schools in economically disadvantaged areas. In other words, the Government of Quebec recognizes that these schools are located in disadvantaged areas and therefore need additional support to help students succeed.

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7 Centre intégré universitaire de santé et de service sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke, "Santé des communautés linguistiques et culturelles de l'Estrie: d'importants écarts à diminuer," News release, 29 September 2016. [Available in French only]

During its trip to the area, the Committee visited the Brome-Missisquoi campus of the board's Vocational Training Centre. Since knowing French is crucial to entering the labour market in Quebec, the centre's programs are bilingual. This means that lectures are given in both languages and one-on-one interactions between professors and students take place in the language of the student's choice. In addition, the board tailors its programs to market needs in order to make its graduates as employable as possible. These are two of the strategies the board has implemented to improve the situation of anglophones in the Eastern Townships.

1.3. The challenge of recognition

Are Quebec's anglophones vulnerable? Yes. But while the state of the province's anglophone communities has changed dramatically, serious prejudices about them persist and block their advancement. The former commissioner of official languages, Mr. Graham Fraser, offered the following explanation of the challenge of recognition that Quebec's anglophone communities face:

> There is also a challenge when it comes to recognizing the reality of anglophone communities in Quebec. There is a sort of erroneous historical impression that the anglophone communities of Quebec are made up of rich landowners and are the owners of large corporations who live in Westmount and do not speak French. In fact, the statistics show that outside of Montreal, anglophones in communities all over Quebec are less prosperous and less educated than francophones, and have higher unemployment and poverty levels than francophones. They have exactly the same problems accessing government services in English as do francophone minorities elsewhere.[8]

The prejudices regarding the anglophone minority feed misunderstanding and hinder communication between the anglophone minority and the francophone majority in Quebec. Moreover, they blur the image that francophones in minority communities and English-speaking Canadians have of Quebec's anglophone minority.

1.4. An accurate portrait of Quebec's anglophones

So what would an accurate portrait of English-speaking Quebeckers look like?

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8 House of Commons Standing Committee on Official Languages (LANG), *Evidence*, 1st Session, 42nd Parliament, 2 May 2016, 1615 (Graham Fraser, Commissioner, Office of the Commissioner of Official Languages of Canada).

Using the "first official language spoken variable," the data reveal that in 2016 English speakers accounted for 13.7% of the Quebec population (this figure was 13.5% in 2011).[9] Using the "mother tongue" variable, the data show that the proportion of the population whose mother tongue is English has remained stable (it declined from 9.0% in 2011 to 8.9% in 2016).[10]

Quebec's anglophone minority is highly bilingual:

- In 2016, 66.2% of Quebeckers whose first official language was English reported being able to speak English and French (65.5% in 2011), compared with 41.5% among those whose first official language was French (39.4% in 2011).[11]

- Between 2011 and 2016, Statistics Canada found "an increase of 7,445 bilingual people ... in the English-mother-tongue population in Quebec."[12]

As regards education, anglophone Quebeckers are more highly educated than francophone Quebeckers. In 2016, 29.6% of anglophone Quebeckers had a university certificate, diploma or degree at the bachelor level or above (27.4% in 2011), compared with 19.2% of francophone Quebeckers (17.3% in 2011).[13]

Despite their high level of education, anglophones in Quebec had a higher unemployment rate (8.9% in 2016) than francophones (6.9% in 2016).[14] Note that the unemployment rate for English-speaking Quebeckers declined slightly between 2011 and 2016, from 9.4% to 8.9%. In addition, anglophones are more likely to be in a lower income bracket than francophones. For example, in 2016, 35.1% of Quebeckers whose first official language was English earned less than $20,000 (after taxes), compared with 30.2% of francophone Quebeckers.[15]

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9 Townshippers' Association, *Socio-Demographic Profile of the English-speaking Community of the Historical Eastern Townships: 2011 Census of Canada and National Household Survey*, 2015, p. 6.

10 Statistics Canada, *Census in Brief, English, French and official language minorities in Canada*, 31 August 2017.

11 Statistics Canada, 2011 and 2016 Censuses of Population.

12 Statistics Canada, *Census in Brief, English-French bilingualism reaches new heights*, 31 August 2017.

13 Statistics Canada, 2011 and 2016 Profiles of Official Language Communities in Canada.

14 Ibid.

15 Ibid.

Quebec's anglophone communities are culturally diverse. In 2016, 10.4% of Quebeckers whose first official language spoken was English reported they were not Canadian citizens, compared with 3.1% of Quebeckers whose first official language spoken was French.[16] Moreover, 52.3% of anglophones were born in Quebec, compared with 97.4% of those whose first official language spoken was French.[17] Most immigrants whose first official language spoken was English came from Asia (144,910) (especially China), and Europe (112,940) (especially Italy and Greece).[18] Regarding bilingualism among immigrants, Statistics Canada reported that "an increase of 59,455 bilingual people was observed in the other-mother-tongue population in Quebec."[19]

1.5. Rebuilding communities: The case of Brome-Missisquoi-Perkins Hospital

The survival of the English language in Quebec is not threatened. Anglophones are not fighting against language transfers (assimilation); they are fighting to retain control of their community institutions and to be adequately represented in public institutions in order to ensure they have access to English-language services. That is the fundamental issue, the main aspiration of Quebec's anglophone communities.

The Brome-Missisquoi-Perkins (BMP) Hospital in Cowansville is a perfect illustration of how attached and dedicated anglophones are to the institutions that both preserve their history and secure their future.

A number of Quebec institutions were founded in the 19th century and early 20th century thanks to the commitment of English-speaking individuals and volunteers:

> We have been in Quebec for hundreds of years and the English-speaking community has built its own institutions. The institutions have been there for many years, built by the community, not the Quebec clergy at the time. Our ways of funding ourselves, funding our institutions, working with our youth come from a different place, because there was no help from government.[20]

While it is now a public institution, BMP Hospital has been intrinsically linked to the anglophone community of Brome-Missisquoi for more than a century. Despite the Committee's interest in this rich heritage, it must limit itself in this report to the language

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16 Statistics Canada, 2011 and 2016 Censuses of Population.

17 Ibid.

18 Ibid.

19 Statistics Canada, *Census in Brief, English-French bilingualism reaches new heights*, 31 August 2017.

20 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1600 (Sylvia Martin-Laforge, Director General, Quebec Community Groups Network).

issues raised by the merger of BMP Hospital with the regional health care institution, the Centre intégré universitaire de santé et de services sociaux (CIUSSS) de l'Estrie – Centre hospitalier universitaire de Sherbrooke (CHUS).

1.5.1. Anglophones' language rights at Brome-Missisquoi-Perkins Hospital

In June 2015, after the coming into force of Quebec's Act to modify the organization and governance of the health and social services network, BMP Hospital was merged with the CIUSSS de l'Estrie – CHUS.

Section 15 of Quebec's Act respecting health services and social services states the following regarding language rights:

> English-speaking persons are entitled to receive health services and social services in the English language, in keeping with the organizational structure and human, material and financial resources of the institutions providing such services ....[21]

Therefore, the "right to receive services in the English language also figures among the 12 rights of the users of the Centre intégré universitaire de santé et de services sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke."[22]

In addition, BMP Hospital obtained the "mentioned institution" classification from the Quebec Department of Health and Social Services. This designation enables it to provide some services in English. The hospital received the designation in part because of its historical link to the anglophone community and that community's continued support for and commitment to the hospital, but above all because of the concentration of English speakers living in the region. In 2011, 21.5% of the population base for the La Pommeraie Centre-de-santé-et-de-services-sociaux (CSSS) spoke English.[23]

Even though the "mentioned institution" designation enables BMP Hospital to provide some English-language services to its anglophone users, the administration is required to comply with the general framework set out by the *Charter of the French Language*.

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21 Government of Quebec, Centre intégré universitaire de santé et des services sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke, *Responding Better to the Needs of the Linguistic and Cultural Communities in Estrie*, September 2016, p. 7.

22 Ibid.

23 Townshippers' Association, *Socio-Demographic Profile of the English-speaking Community of the Historical Eastern Townships: 2011 Census of Canada and National Household Survey*, 2015, p. 6.

1.5.2. Written communications

As a result, all written communications at BMP Hospital, including signage, are in French only. Two types of documents are the exception to the rule:

- Documents that amount to procedures may be written in English or French. These documents provide clinical information about subjects such as medical procedures or conditions.

- Documents placed in hospital users' clinical files may be written in English or French, but the author must provide a summary of clinical files in French if requested by a person authorized to review the files. This person may be a staff member or a member of the public.

The unilingual signage seems to be the greatest source of frustration for anglophone users. Accordingly, the hospital uses symbols.

In a hospital, the language of signage is important. Hospital users must be able to quickly orient themselves, especially in emergency situations. The needs of seniors also need to be taken into account, as they are more likely to be unilingual than younger people. Furthermore, volunteers and BMP Foundation staff see the lack of written English in the hospital as a sign of disrespect for the people who built the hospital and its major donors, many of whom are English speakers.

1.5.3. Oral communications

The rules governing oral communications when providing services to the public are more flexible. Members of the public have the right to be served in French at any time, and administrative staff must use French first when addressing people in person and by telephone. However, oral communications in English are allowed.

1.5.4. A commitment to services in English

The BMP Hospital administration makes every effort to provide high-quality services in English. The hospital has an English-language services program; anglophone users are represented on user and resident committees at both the local and regional levels; the administration provides its medical staff with empathy workshops that cover issues such as the importance of providing services in users' native language; and hospital managers ensure that at least one person who can effectively communicate with users in English is always on duty.

In addition, health professionals have access to special language courses given by McGill University: "the CIUSSS de l'Estrie – CHUS receives grants from the federal government to

offer training aimed at improving the English-language skills of health professionals. The objective of the organization is to train 155 employees per year from 2015–2016 to 2017–2018."[24] Health Canada also funds health networks that carry out various projects in anglophone communities, including language training and cultural adaptation, research into the health status of communities, health promotion, and adaptation of health services to anglophone and francophone communities.

That said, the delivery of services in English at BMP Hospital depends in part on the efforts of its staff. The administration, medical staff, support staff and volunteers have clearly committed to respecting users' language preferences. As Dr. Gottke explained, "When we put the patient first, the rest follows." [Translation]

2. Francophones in Nova Scotia

The Acadian and francophone communities of Nova Scotia are among the oldest francophone communities in Canada, as well as some of the most historically, culturally and artistically rich.

Scattered across the province, these francophone communities are mostly located in Argyle, Clare, Minudie, Nappan and Maccan in the County of Cumberland; in Chéticamp, Pomquet, Tracadie and Havre-Boucher in the County of Antigonish; in Petit-de-Grat, Arichat and West Arichat on Isle Madame in the County of Richmond; and in Halifax, the capital city.

2.1. French-language education in Nova Scotia: From assimilation to linguistic and cultural affirmation

Like their fellow francophones in the other provinces and territories, Nova Scotia's Acadians and francophones fought their provincial government's openly assimilationist policies for over a century in order to have their right to French-language education in public education institutions recognized.

While there were some breakthroughs in the late 19th and early 20th centuries, it was not until 1981 that the Government of Nova Scotia passed Bill 65 to give Acadian schools legal status. However, they were mostly administered by English school boards.

The following year, in 1982, the adoption of the *Canadian Charter of Rights and Freedoms* gave francophones in minority communities a constitutional foundation for their claims to

24 Government of Quebec, Centre intégré universitaire de santé et des services sociaux de l'Estrie – Centre hospitalier universitaire de Sherbrooke, *Responding Better to the Needs of the Linguistic and Cultural Communities in Estrie*, September 2016, p. 7.

education rights. Finding itself required to meet the new Charter obligations for minority language education, the Government of Nova Scotia published a policy statement on Acadian schools in 1983. This statement set out the objectives for Acadian schools and provided guidelines on the language of instruction and the introduction of primary and secondary school programs.

However, the provinces and territories did not automatically implement section 23 the morning after the Charter was proclaimed. Engaged parents from francophone communities across the country had to take their case to the Supreme Court of Canada to obtain the right to school governance. It was only in 1996 that the Nova Scotia House of Assembly endorsed the creation of the Conseil scolaire acadien provincial (CSAP), the province's Acadian school board. As Mr. François Rouleau, superintendent at the CSAP (northeast region), explained, this was a pivotal moment in the history of the province's Acadians and francophones.

The Nova Scotia Acadian parents' association, the Fédération des parents acadiens de la Nouvelle-Écosse (FPANE), made a major contribution to completing the province's French-language education continuum. The FPANE filed a lawsuit against the Department of Education and the CSAP in order to obtain French programming and homogeneous schools in regions where they were not yet in place. Because of this court case and amendments to the *Education Act*, Nova Scotia's Acadians and francophones obtained French-only secondary school programming, homogeneous French schools and funding to build community centres in 2000.

The long and winding road the Acadians and francophones of Nova Scotia had to take to secure their language rights reveals the true meaning and scope of the concept of "righting past wrongs."

Today, the CSAP has 22 schools that are attended by over 5,000 students from kindergarten to Grade 12. Early childhood education and francization are priorities. The preschool program "Grandir en français" prepares four-year-olds for their first year in French school. A literacy program has been created to help children who are not proficient in French acquire the language skills they need to be enrolled in Acadian/Francophone schools. Note that the admission criteria for Nova Scotia's Acadian/Francophone schools are some of the most flexible in all of Canada's francophone communities.

The CSAP fulfils its educational role and fully accepts its cultural role. In fact, the CSAP uses artistic and cultural development to enhance the vitality of Acadian and francophone communities. To promote their arts and culture, the CSAP joined the Réseau atlantique de diffusion des arts et de la scène (RADARTS) artistic promotion network in 2011. Through its school network "Cerf-Volant," it holds performing arts tours to promote Canada's

francophone artists. In six years, it has completed 19 tours that have put on 217 shows in front of over 45,000 people. Production-wise, the CSAP encourages youth from 6 schools in its network to develop and put on shows in all of its education institutions. In March 2015 and March 2016, the young artists' tour of schools enabled the participants to put on over 30 shows for a total of 9,200 students. The CSAP is active in several other areas, including cultural development, student artistic production in schools and cultural mediation, which involves the creation of francophone public spaces.

2.2. Building an institutional and community network: La Picasse

Besides focusing on schools, which are the beating heart of OLMCs, Nova Scotia's Acadian and francophone communities – like other francophone minority communities – aim to create and enrich a strong network of institutions and organizations to enhance the vitality of the French language and culture.

Community stakeholders on Isle Madame hosted the Committee members at La Picasse cultural community centre in Petit-de-Grat. Founded in 1991, La Picasse is a multipurpose centre that is home to the Richmond County Regional Library, the CSAP, the CITU Radio-Richmond community radio studios, a Service Canada access centre and the offices of a number of Acadian organizations.

It would be difficult to find a more fitting name for this cultural, artistic and community centre than "La Picasse." The French word "picasse" refers to a home-made anchor used to hold fishing boats in place. It is the perfect symbol for a cultural and community centre that serves as an anchor for the region's Acadian and francophone communities.

2.3. The region's Acadian and francophone population

In 2016, the population of Subdivision C of the County of Richmond, Nova Scotia, which includes Petit-de-Grat, was 3,150 persons (4.1% lower than in 2011). According to Statistics Canada, the francophone minority consists of 1,235 persons, or 39.6% of the county's population. This percentage has declined since 2011 (42.7%).

Like most rural areas in Canada, Isle Madame has in recent years lost a significant portion of its population, especially its francophone population. Mr. Yvon Samson, President of La Picasse, explained the consequences as follows:

> The falling birth rate, rural depopulation, the exodus of young people, and aging are hurting the associative sector, because the participation rate and volunteering are

> decreasing. And community centres cannot survive without members' volunteer work and community participation.[25]

For these reasons, "La Picasse is trying create a new dynamic to ensure that linguistic and cultural reinforcement activities are relevant and attractive to residents of all ages."[26]

PART 2: READILY AVAILABLE SOLUTIONS

At the time the Committee visited Brome-Missisquoi and Isle Madame, the new *Action Plan for Official Languages 2018–2023: Investing in Our Future* had not yet been unveiled. The action plan was released on 30 March 2018. Furnished with an additional $499 million over five years, the action plan includes a boost in core funding for OLMC organizations of $70 million over five years. This increase brings total core funding for OLMC organizations to more than $320 million over five years.

The action plan provides significant funding for OLMCs over the next five years and addresses a fair number of their funding needs. To be sure, building community capacity was one of the key requests made by OLMCs.

1. Restoring a central authority

In its December 2016 report entitled *Toward a New Action Plan for Official Languages and Building New Momentum for Immigration in Francophone Minority Communities*, the Committee recommended that governance of the Government of Canada's Official Languages Program be returned to a central body within the Privy Council Office.[27]

This reform could have been implemented alongside the launch of the new *Action Plan for Official Languages 2018–2023: Investing in Our Future*, but the government has yet to directly respond to or follow up on the Committee's recommendation.

Witnesses have repeatedly told the Committee that the changes made to the governance of language issues in the early 2000s – that is, the decentralization of responsibility for official languages – failed to enhance the vitality of OLMCs.

In fact, the FCFA reported that, "In recent years, the implementation of the [*Official Languages Act*] has been significantly eroded. In the absence of a single authority

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25 La Picasse, Centre communautaire culturel, *Presentation to the Standing Committee on Official Languages on the Review of the Status of Official Languages in Minority Settings*, October 2017, p. 2.

26 Ibid.

27 LANG, *Toward a New Action Plan for Official Languages and Building New Momentum for Immigration in Francophone Minority Communities*, 1st Session, 42nd Parliament, December 2016, p. 49.

mandated to ensure consistent government-wide application of the act, a number of institutions have been content to do the bare minimum, and sometimes even less than that."[28] The former president of the FCFA, Ms. Sylviane Lanthier, noted that this lack of effort particularly affects the implementation of Part VII of the Act.[29]

2. Implementing Part VII of the *Official Languages Act*

The FCFA and other community stakeholders believe that the implementation of Part VII of the *Official Languages Act* depends on the existence of a central authority that can take the lead on official languages across all federal institutions. The FCFA made the following argument: "If compliance with part VII depends on the goodwill of each federal institution, we are no further ahead than we were in 2005. The need to designate an orchestra conductor, if you will, who can compel every institution to produce results has not changed."[30]

In a way, Part VII of the *Official Languages Act* is the cornerstone of the Government of Canada's responsibilities to OLMCs. Under subsections 41(1) and 41(2) of the *Official Languages Act*, all federal institutions are committed to "enhancing the vitality of the English and French minority communities in Canada and supporting and assisting their development" and to "fostering the full recognition and use of both English and French in Canadian society" and must take positive measures to fulfil those commitments.[31]

However, when it comes to enhancing the vitality of OLMCs, the FCFA is not convinced that all federal institutions are working to implement Part VII. For example, the FCFA noted that a number of federal institutions make decisions with no regard for the impact on OLMCs "or even community consultation."[32]

More generally, community stakeholders feel that some federal institutions still do not understand the spirit or letter of Part VII of the *Official Languages Act*:

> Many federal institutions see their duty to official language minority communities as beginning and ending with the initiatives in the roadmap for official languages. We are a

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28 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1640 (Sylviane Lanthier, President, Fédération des communautés francophones et acadienne du Canada).

29 Ibid.

30 Ibid.

31 *Official Languages Act* (R.S.C. 1985, c. 31 (4th Supp.)).

32 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1640 (Sylviane Lanthier, President, Fédération des communautés francophones et acadienne du Canada).

> long way off from the 2003 Dion plan, which was meant to hold federal institutions accountable for supporting communities.[33]

As a result, the FCFA wondered whether the obligations under Part VII "have or have not been incorporated into the institutional culture."[34] In addition, the organization asked whether it would be appropriate to "examine how the Department of Canadian Heritage performs its coordination function under part VII of the act."[35]

> We care about anything having to do with full implementation of the Official Languages Act. As we mentioned in our remarks, we feel very strongly about the need for the government to truly implement part VII, the part of the act addressing the vitality and development of our communities. We believe that the spotlight needs to once again be on community vitality and development. That objective should underlie all government efforts in the next few years to implement the Official Languages Act. Services are also important, but community vitality is something we are passionate about. With that in mind, we would be in favour of anything in the ministerial mandate letters to support francophone communities and capacity building.[36]

3. Implementing the principle of substantive equality

In 2009, the Supreme Court decision in *Desrochers v. Canada (Industry)* – also known as the CALDECH decision – effectively introduced the principle of substantive equality. The government defines this principle as follows:

> Substantive equality is achieved when one takes into account, where necessary, the differences in characteristics and circumstances of minority communities and provides services with distinct content or using a different method of delivery to ensure that the minority receives services of the same quality as the majority.[37]

In practice, the principle of substantive equality commits all federal institutions to taking OLMCs into account over the life cycle of an initiative or program. In other words, federal institutions have to use an "official languages lens" and an "OLMC lens" when designing, developing, modifying or eliminating an initiative or program in order to measure the full impact their decisions will have on OLMCs.

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33 Ibid.

34 Ibid.

35 Ibid.

36 Ibid., 1655.

37 Government du Canada, Analytical Grid (Substantive Equality).

On the ground, the community stakeholders in Petit-de-Grat told the Committee that, in recent years, the Department of Fisheries and Oceans has made decisions that have resulted in the loss of bilingual services:

> There has been a decline in the number of federal public service jobs in this region. Over the years of restructuring, the Department of Fisheries and Oceans has failed to consider the impact that eliminating at least nine bilingual positions in the region (Coast Guard, fisheries officers ...) and dividing the service areas into two zones for Small Craft Harbours would have on the official language minority. The one that serves Isle Madame is in the eastern Nova Scotia zone with offices located in Sydney, and the Gulf zone, which includes Chéticamp, has its offices in Antigonish. As a result of this division, the service areas are not required to provide active offer of French-language services, because the public servants are all anglophones and are unable to carry on a conversation in French.[38]

This kind of testimony seems to confirm that Part VII of the *Official Languages Act* is still not integrated into the operations of at least some federal institutions.

4. Achieving a genuine understanding of official language minority communities

In recent years, the Quebec Community Groups Network (QCGN), the provincial organization representing Quebec's anglophone communities and a Canadian Heritage-recognized stakeholder, has repeatedly argued that Quebec's anglophone community "has not equitably benefited from the Government of Canada's official languages strategy."[39] It appears that the federal government has not treated them as "an equal voice in the national official languages discussion."[40]

This different treatment is in part due to a discrepancy between the fundamental goals of Quebec's anglophones and some of the principles underlying the Government of Canada's Official Languages Program.

As the QCGN explained, "A key purpose of Canada's official languages approach is to advance the equality of status and the use of English and French languages within Canadian society to have French and English from sea to sea to sea." That is partly why

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38 La Picasse, Centre communautaire culturel, *Presentation to the Standing Committee on Official Languages on the Review of the Status of Official Languages in Minority Settings*, October 2017, p. 9.

39 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1550 (Dan Lamoureux, President, Quebec Community Groups Network).

40 Ibid.

"policy-makers and leaders often make the assumption that because the English language is safe, English linguistic minority communities need less attention."[41]

Moreover, government programs need to be designed to address the specific needs of Quebec's anglophone communities. Sylvia Martin-Laforge, Director General of the QCGN, argued that the government needs to "find ways to make support for Canada's English and French linguistic minority communities flexible and responsive to the unique needs of each community. One size does not fit all."[42]

In the same vein, the QCGN pointed out the importance of never pitting the interests of anglophone minority communities against those of francophone minority communities:

> the QCGN is not advocating for a bigger share of the current pie for English-speaking Quebec. What we are saying is that because the needs of English-speaking Quebec have not been equally considered by the Government of Canada, the pie is too small. Supporting Canada's English and French linguistic minority communities is not a zero-sum game; the vitality and interests of each are symbiotic, and they should never be placed in competition.[43]

In Nova Scotia, francophone community stakeholders sometimes get the sense that officials in Ottawa do not understand the reality on the ground. In discussing funding for community radio stations, Mr. Billy Joyce, Project Coordinator at CITU Radio Richmond, stated that local radio stations know the various regions of Nova Scotia and the issues affecting francophones much better than Radio-Canada does.

Mr. Joyce said that Radio-Canada provides provincial or national news that does not really reflect the daily lives of Acadians, especially those who live in rural areas. He also believes that the federal government nonetheless gives priority to Radio-Canada's services. Indeed, he remarked that public servants "often rate Radio-Canada's services as 'superior' to the services of community radio stations."[44] He suspects that these public servants "do not understand the realities of minority francophones."[45] Regarding the French spoken by radio hosts on the air, Mr. Joyce emphasized that just because "a public servant prefers the standard French on Radio-Canada does not mean that the average Acadian feels the same

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41 Ibid.

42 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1555 (Sylvia Martin-Laforge, Director General, Quebec Community Groups Network).

43 Ibid.

44 CITU Radio Richmond, *Presentation on Community Media and Their Survival*, 26 October 2017, p. 2.

45 Ibid.

way."[46] Mr. Joyce noted that some listeners say they can hear themselves on the airwaves of CITU because of the regionalisms used.

5. Ensuring true community involvement

The consultations that federal institutions hold are critical, because they enable citizens to get involved. They also ensure that government initiatives or programs are effective and truly meet communities' needs.

That said, it seems that some federal institutions simply do not consult OLMCs. When they do, their consultations are sometimes badly organized. Moreover, some witnesses stated that consultations very rarely lead to the implementation of concrete measures. The following quote relates to federal economic institutions:

> Those meetings are often conspicuous for the lack of opportunities for dialogue in their agendas, and they fail to result in any measures to meet the communities' needs. More often than not, constructive solutions are shuffled aside and forgotten. Program criteria are often designed for majority organizations that have far more financial and human resources than minority groups do.[47]

As Mr. Yvon Samson, President of La Picasse, argued, "Participation by communities in the consultations should not be a waste of time."[48] Federal institutions should "demonstrate not only how they consulted with the communities but also how they will meet the needs stated in the consultations. For the participants, the aim is not to accommodate without changing how things are done, but rather to change the way things are done in order to accommodate."[49]

According to Mr. Samson, the consultation process is closely linked to communities' ability to take some measure of control, by and for communities:

> Francophone communities must have the capability to influence, at the national, regional and local levels, the development, implementation and evaluation of the programs and policies that have an impact on them. Clear regulatory mechanisms also need to be explicitly defined to ensure that the regulations are consistent with the

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46 Ibid.

47 La Picasse, Centre communautaire culturel, *Presentation to the Standing Committee on Official Languages on the Review of the Status of Official Languages in Minority Settings*, October 2017, pp. 10–11.

48 Ibid., p. 11.

49 Ibid.

> desire for substantive equality through immediate access to French-language services in the federal government office that serves our locality.[50]

6. Improving intergovernmental cooperation

Intergovernmental cooperation is essential to the vitality of OLMCs and, from a federal perspective, a key aspect of fully implementing Part VII of the *Official Languages Act*. As the QCGN explained, "Most areas of public interest that affect our community's vitality are provincial in nature. They include health, administration of justice, and education."[51] The same is true for francophone communities.

Yet, over the course of its many studies, the Committee has found that better intergovernmental cooperation would improve support for OLMCs.

6.1. Introducing strong language clauses

Since the opening of the 42nd Parliament, the Committee has studied the bilateral agreements on minority language education, immigration, early learning and child care, and literacy and essential skills development.

The Committee found that the language clauses in federal-provincial/territorial (FPT) agreements are generally symbolic or declaratory rather than prescriptive and enforceable. Language clauses are provisions that relate to promoting both official languages and enhancing the vitality of OLMCs. Comparisons across provinces or territories show that these clauses are inconsistent.

On this issue, the community stakeholders in Petit-de-Grat argued that it is "essential that all of those agreements contain well-crafted language clauses that detail the impacts on the official language minority communities."[52] In support of their argument, they reminded the Committee about the problems francophone minority communities had in 2008 when the federal government transferred its employment assistance responsibilities to the provinces and territories without requiring them to provide services of equal quality in the minority language:

> We saw setbacks in the agreements when Employment and Social Development Canada decided to give the green light to changes in the liaison structure of employment

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50 Ibid.

51 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1550 (Dan Lamoureux, President, Quebec Community Groups Network).

52 La Picasse, Centre communautaire culturel, *Presentation to the Standing Committee on Official Languages on the Review of the Status of Official Languages in Minority Settings*, October 2017, p. 11.

> services that are funded entirely by the federal government but administered through a federal-provincial agreement. This decision has had very serious consequences, now probably irreparable, for the employment centres controlled by the Acadian community. A meeting was held with the Deputy Minister to discuss this issue, and this is what he said: "There's only one culture in Nova Scotia, not two" (culture = language).[53]

Some federal departments have recently taken measures to foster better FPT cooperation on the promotion of official languages and OLMCs.

For example, on 2 March 2018, the Honourable Ahmed Hussen, Minister of Immigration, Refugees and Citizenship, unveiled the new *Federal/Provincial/Territorial Action Plan for Increasing Francophone Immigration Outside of Quebec*. This plan comes in the wake of a decision by the ministers responsible for immigration and their colleagues responsible for francophone communities "to work together to improve efforts to increase francophone immigration."[54]

Then, in July 2017, Canadian Heritage reached a strategic education agreement with three national organizations representing minority francophones, the Fédération nationale des conseils scolaires francophones, Fédération des communautés francophones et acadienne du Canada and Commission nationale des parents francophones. Under this agreement, Canadian Heritage committed to seeking certain improvements in its negotiations with the Council of Ministers of Education, Canada (CMEC), for the next *Protocol for Agreements for Minority-Language Education and Second-Language Instruction* (2018–2023). If implemented, the improvements would enable francophone minority school boards to fully assume their education governance responsibilities and would strengthen the protocol's consultation and accountability provisions, among others.

Such initiatives should be applauded, but they still need to lead to prescriptive language clauses in FPT bilateral agreements. In its report entitled *Growing Up in French in Western Canada: A Review of Federal Support for Early Childhood Education*, the Committee emphasized that most early childhood stakeholders in the Western provinces are disappointed by the share of federal investments that their respective provinces allocated to them under the early learning and child care bilateral agreements. Francophone communities condemned their respective provincial governments for failing to deliver services of equal quality to those provided to the majority. They also criticized the federal government for not protecting this right when it negotiated the agreements.

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53 Ibid., pp. 11–12.

54 Immigration, Refugees and Citizenship Canada, *Federal/Provincial/Territorial (FPT) Action Plan for Increasing Francophone Immigration Outside of Quebec*, Ottawa, March 2018, p. 1.

The time seems ripe for a general improvement in the state of OLMCs. All the provinces and territories now have ministers responsible for francophone affairs. They meet annually at the Ministerial Conference on the Canadian Francophonie. The 23rd such conference will take place on 5 and 6 July 2018, in Whitehorse, Yukon. The federal government will be represented by the Minister of Canadian Heritage, and the Government of Quebec by its Minister responsible for Canadian Relations and the Canadian Francophonie. Moreover, most of the provinces and territories have action plans respecting minority language services.

Normally, the provinces and territories' improved attitude toward their francophone communities would result in a formal commitment and a guarantee to these communities in the bilateral agreements.

As for the federal government's responsibilities, the report *Growing Up in French in Western Canada: A Review of Federal Support for Early Childhood Education* criticizes some of its failings as regards the implementation of Part VII and the principle of substantive equality.

6.2. The changing situation in Quebec

Quebec presents a number of challenges for federal institutions, which must find innovative ways to meet their commitments to anglophone communities while respecting Quebec's language laws and constitutional prerogatives.

Until very recently, Quebec was "the only province or territory without a strategic, legislative, regulatory, or policy framework within which to communicate with and support its official language minority community."[55]

Less than a year ago, the Government of Quebec committed to recognizing its anglophone minority. In concrete terms, this commitment led to the creation of the Secretariat for Relations with English-Speaking Quebecers.

Part of the secretariat's mandate is to "[i]nteract with the federal government on issues, agreements, programs or policies that may have a direct or indirect impact on English-speaking Quebecers in collaboration with the Secrétariat du Québec aux relations canadiennes and other ministries and bodies concerned."[56]

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55 LANG, *Evidence*, 1st Session, 42nd Parliament, 9 March 2016, 1550 (Dan Lamoureux, President, Quebec Community Groups Network).

56 Government of Quebec, Ministère du Conseil exécutif, "Secretariat for relations with English-speaking Quebecers."

This is an important step for Quebec's anglophone communities and suggests a greater potential for federal institutions to take positive measures to help anglophone communities. The Committee would like to meet with the minister responsible and her team at her convenience to examine how the creation of the new secretariat could help implement Part VII of the *Official Languages Act* and the principle of substantive equality.

7. Other considerations

7.1. The modernization of the *Official Languages Act* and Its Regulations

The *Official Languages Act* has not been revised since 1988, besides an amendment to Part VII in 2005.

On the eve of the 50th anniversary of the original enactment of the *Official Languages Act* in 1969, many witnesses from OLMCs are calling on the federal government to modernize the Act. One of their hopes is that major changes will be made so that the Act reflects and implements the case law generated by section 23 of the *Canadian Charter of Rights and Freedoms*.

In May 2017, the Standing Senate Committee on Official Languages launched a study on Canadians' views about modernizing of the *Official Languages Act*. The Senate Committee chose to take a thematic approach. It began by meeting with young Canadians and presenting an interim report entitled *Modernizing the* Official Languages Act*: The Views of Young Canadians*.[57] The Senate Committee is currently studying the views of OLMCs. The Senate Committee's recommendations will appear in its final report, expected in 2019.

In addition, the Office of the Commissioner of Official Languages launched public consultations on this same issue. These consultations ran from 19 April to 31 May 2018. The online questionnaire covered seven topics:

- access to justice;
- the advent of new technology and delivery of federal government services;
- the federal public service;
- the development of Canada's linguistic minorities;

57 Standing Senate Committee on Official Languages, *Modernizing the* Official Languages Act*: The Views of Young Canadians*, 1st Session, 42nd Parliament, February 2018.

- the mandate and roles of the Commissioner;
- official languages and Indigenous languages; and
- governance.

7.2. Review of the Official Languages (Communications with and Services to the Public) Regulations

Part IV of the *Official Languages Act* – "Communications with and Services to the Public" – sets out the rights of the Canadian public to receive bilingual services from federal institutions. However, the wording of the Act limits the provision of bilingual services by adding a condition: those services will be provided where there is "significant demand."

The definition of "significant demand" is found in the Official Languages (Communications with and Services to the Public) Regulations.[58] These regulations were made in 1991 and have never been updated.

Currently, a purely quantitative method is used to determine whether there is significant demand. Broadly speaking, OLMCs must account for 5% of the population of a census subdivision in order to obtain bilingual services from federal offices. This strictly quantitative, statistical approach does not incorporate qualitative criteria that should be taken into account, such as the presence of minority language institutions, including schools.

Mr. Yvon Samson explained the problem as follows:

> When numbers alone are used to define what constitutes a francophone community, small communities such as ours, which make up a small proportion of the population, are deprived of quality French-language services despite having major institutions such as a community cultural centre, a university campus and a French-language school. ... A community that has health, education, social services, and arts and culture initiatives in its language must be supported by federal institutions.[59]

It must be admitted that the way significant demand is currently calculated is at odds with the federal government's objectives of enhancing the vitality of OLMCs and promoting the official languages. In other words, the vitality of an OLMC is not reducible to the size of its population. The federal government needs to use other variables, such as the degree of

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58 *Official Languages (Communications with and Services to the Public) Regulations* (SOR/92-48).

59 La Picasse, Centre communautaire culturel, *Presentation to the Standing Committee on Official Languages on the Review of the Status of Official Languages in Minority Settings*, October 2017, p. 9.

communities' institutional completeness, to determine whether there is significant demand for bilingual federal services.

In 2010, former senator Maria Chaput introduced a bill entitled "An Act to amend the Official Languages Act (communications with and services to the public)." Reintroduced on several occasions, the bill – currently numbered S-209 – has reached the committee stage. It would introduce the concept of equal quality of communications and services, and modify the criteria used to determine whether there is significant demand for communications and services in either official language.

The Treasury Board Secretariat (TBS), together with Canadian Heritage and Statistics Canada, has begun a review of the Regulations. Public consultations were held, and an advisory committee, the Experts' Advisory Group for the *Official Languages (Communications with and Services to the Public) Regulations* Review, was established.

During a technical briefing, TBS superimposed two variables on a map of Canada: the locations of federal offices and those of minority primary and secondary schools. A quick glance revealed that some communities have a French school but no bilingual services available at federal offices nearby. It was suggested that the presence of French immersion schools or schools offering an immersion program should also be taken into account. This would enable Canadians who understand both official languages to receive bilingual services.

The process of reviewing the Regulations is taking its course. The President of the Treasury Board is required to lay a draft of the proposed regulations before the House of Commons at least 30 days prior to their publication in the *Canada Gazette*. The new regulations would be made in the spring of 2019.

In May 2018, the Commissioner of Official Languages presented a special report to Parliament in which he recommended that Parliament refer the issue of the modernization of the *Official Languages (Communications with and Services to the Public) Regulations* to one of its standing committees on official languages.[60]

60 Office of the Commissioner of Official Languages of Canada, *Special Report to Parliament, A Principled Approach to the Modernization of the* Official Languages (Communications with and Services to the Public) Regulations, May 2018, p. 20.

PART 3: CONCLUSION

The Committee believes that consultations with OLMCs must be meaningful. Federal institutions must meet the needs identified during these consultations.

The Committee would like to extend its heartfelt thanks to the community stakeholders who participated in this study.

APPENDIX A: LIST OF SUBSTANTIVE REPORTS PRESENTED BY THE STANDING COMMITTEE ON OFFICIAL LANGUAGES DURING THE 1ST SESSION OF THE 42ND PARLIAMENT AS OF 18 JUNE 2018

June 2016	*Study of the Translation Bureau*
December 2016	*Toward a New Action Plan for Official Languages and Building New Momentum for Immigration in Francophone Minority Communities*
April 2017	*Follow-up to the Study of the Translation Bureau – Reverse the Trend: Strive for Excellence*
May 2017	*The Enumeration of Rights-Holders Under Section 23 of the* Canadian Charter of Rights and Freedoms*: Toward a Census That Supports the Charter*
November 2017	*Air Canada's Implementation of the* Official Languages Act*: Aiming for Excellence*
December 2017	*Ensuring Justice Is Done in Both Official Languages*
April 2018	*Adult Literacy and Skills Development: An Essential Component of the Education Continuum in Official Language Minority Communities*
May 2018	*Growing Up in French in Western Canada: A Review of Federal Support for Early Childhood Education*
June 2018	*Media in the Digital Age: Reconciling Federal Responsibilities to Official Language Minority Communities with New Trends*

APPENDIX B
LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Fédération des communautés francophones et acadiennes du Canada (FCFA)	2016/03/09	5
Suzanne Bossé, Executive Director		
Sylviane Lanthier, President		
Quebec Community Groups Network		
Dan Lamoureux, President		
Sylvia Martin-Laforge, Director General		
Office of the Commissioner of Official Languages	2016/05/02	11
Graham Fraser, Commissioner of Official Languages		
Pascale Giguère, Acting Director and General Counsel Legal Affaires Branch		
Colette M. Lagacé, Director Finance and Procurement		
Ghislaine Saikaley, Assistant Commissioner Compliance Assurance Branch		
Mario Séguin, Acting Assistant Commissioner Corporate Management Branch		

APPENDIX C
LIST OF BRIEFS

Organizations and Individuals

Townshippers' Association

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 5, 11, and 108) is tabled.

Respectfully submitted,

Hon. Denis Paradis, PC, MP
Chair